

U.S. Department of Justice



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March 18, 2005

Honorable Gregory M. Sleet
United States District Judge
J. Caleb Boggs Federal Building
844 North King Street, Room 4324
Lockbox 19
Wilmington, DE 19801

Re: EEOC v. K-Mart Corporation,
Civil Action Number 04-1315

Dear Judge Sleet:

Please accept the enclosed Scheduling Order for filing in the above matter. The parties agreed after the March 4, 2005 Rule 16 Conference to intently focus on determining how Defendant K-Mart Corporation's ("K-Mart") Bankruptcy Action impacts this case. K-Mart forwarded documents to the Equal Employment Opportunity Commission ("EEOC" or "Commission"), which show that Charging Party Ronald Brown's proof of claim in the Bankruptcy Court was expunged. These documents likely mean that Mr. Brown is not entitled to any monetary relief from Defendant.

At this time, both parties do not agree whether or not the Equal Employment Opportunity Commission ("EEOC" or "Commission") is permitted to proceed with this case. However, the parties do agree that these bankruptcy issues should be resolved as soon as possible. Therefore, the Commission and K-Mart will attempt to resolve these issues in the next week or two, and will advise the Court on the status.

Please note that Defendant has indicated in the enclosed Scheduling Order that it will file a motion to dismiss on or before April 15, 2005, if Plaintiff EEOC continues to litigate this case. The Scheduling Order also indicates that K-Mart will provide its Initial Disclosures to Plaintiff, within two weeks after resolution of the Bankruptcy issues. Further, it appears that these outstanding bankruptcy issues could result in Mr. Brown needing to intervene in the lawsuit to protect his Title VII rights, and challenge the expungement of his proof of claim. Therefore, the EEOC respectfully requests that Ronald Brown be permitted to intervene in the lawsuit, if necessary, should he decide to do so. Again the parties are attempting to resolve these bankruptcy issues within the next week or two, and will advise the Court on the status.

Thank you for your kind attention to these issues.

Respectfully submitted,

/s/ Patricia C. Hannigan
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Attachment

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cc: Clerk/USDC (via Hand-Delivery)
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